



COPY OF PAPERS  
ORIGINALLY FILED

Attorney Docket No.: 009-020

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS AND DEVICES FOR NEBULIZING FLUIDS**

the specification of which was filed on January 7, 2002 and is identified as U.S. Patent Application No. 10/043,075.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**Application No.CountryDate of FilingPriority Claimed  
Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.Filing DateStatus

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.Date of FilingStatus

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Jens E. Hoekendijk, Reg. No. 37,149  
Michael J. Lynch, Reg. No. 36,403  
Steven J. Kirschner, Reg. No. 35,573

Send Correspondence to:  Jens E. Hoekendijk HOEKENDIJK & LYNCH, LLP P.O. Box 4787 Burlingame, CA 94011-4787	Direct Telephone Calls to:  Jens E. Hoekendijk Reg. No. 37,149 Telephone: (415) 412-3322
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or one  
joint inventor:

Rajan Patel

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence & Post Office Address:

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Union City, CA 94587

Citizenship:

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Full name of sole or one  
joint inventor:

Michael Klimowicz

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence & Post Office Address:

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Citizenship:

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Full name of sole or one  
joint inventor:

PAUL ALBULET

Inventor's signature: \_\_\_\_\_

*Paul Albullet*

Date: \_\_\_\_\_

8/5/02

Residence & Post Office Address:

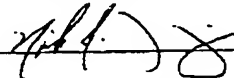
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Citizenship:

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Full name of sole or one  
joint inventor:

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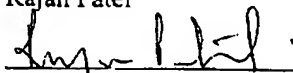
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Full name of sole or one  
joint inventor:

Rajan Patel

Inventor's signature:



Date:

8-1-02

Residence & Post Office Address:

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Citizenship:

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Full name of sole or one  
joint inventor:

Michael Klimowicz

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Full name of sole or one  
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Inventor's signature:

\_\_\_\_\_

Date:

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Residence & Post Office Address:

\_\_\_\_\_

Attorney Docket No. 009-020

**POWER OF ATTORNEY BY ASSIGNEE**

**Aerogen, Inc.**, a Delaware corporation, located at 2071 Stierlin Court, Mountain View, CA 94043 is the Assignee of the invention entitled: **METHODS AND DEVICES FOR NEBULIZING FLUIDS**, the specification of which was filed on January 7, 2002 and identified as U.S. Patent Application No. 10/043,075.

The Assignment accompanying this Power of Attorney (or filed concurrently herewith under separate cover to the attention of the Assignment Branch) has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Jens E. Hoekendijk, Reg. No. 37,149  
Michael J. Lynch, Reg. No. 36,403  
Steven J. Kirschner, Reg. No. 35,573

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**Aerogen, Inc.**Date: AUG 5, 2002By: GUO WUName of Officer: GUO WUTitle: CTO

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or one joint inventor: Rajan Patel

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Full name of sole or one joint inventor: Michael Klimowicz

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Full name of sole or one joint inventor: \_\_\_\_\_

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Date: \_\_\_\_\_

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